

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION  
CASE NO. 10-11893

*ELECTRONICALLY FILED*

JOSEPH S. PROVANZANO

PLAINTIFF

v.

**NOTICE OF REMOVAL**

BRIDGETTE M. PARKER,  
INDIVIDUALLY AND DOING BUSINESS AS  
PARKER VIEW FARM,  
PARKER VIEW FARM, INC.,  
ROBERT M. TURNER,  
INDIVIDUALLY AND DOING BUSINESS AS  
LM TURNER STABLES, AND  
LM TURNER STABLES, INC.,<sup>1</sup>

DEFENDANTS

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Pursuant to 28 U.S.C. § 1441, et seq., the Defendants, Bridgette M. Parker, individually and doing business as Parker View Farms, Parker View Farms, Inc., Robert M. Turner, individually and doing business as LM Turner Stable, and LM Turner Stables, (“Defendants”), by counsel, hereby give notice that Civil Action No. 10-2224-B (the “Action”), previously pending in the Essex Superior Court, Essex County, Massachusetts, has been removed to this Court. Removal of the Action is proper for the following reasons:

1. The Action was commenced on October 21, 2010, by Plaintiff, Joseph S. Provanzano (“Plaintiff”), in the Essex Superior Court for Essex County, Massachusetts, and was assigned Case No. 10-2224-B on the docket of that Court. Plaintiff did not make a jury demand.

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<sup>1</sup> Plaintiff has incorrectly identified several parties in this case. “Bridgette M. Parker” is actually Bridgette M. Parker. “Parker View Farm, Inc.” is registered with the Kentucky Secretary of State as Parker View Farms, Inc. Additionally, LM Turner Stable is a registered trade name in New Hampshire but is not an incorporated entity therein.

in his Complaint. The Defendants have not yet filed an Answer to Plaintiff's Complaint or otherwise plead.

2. The Summons and Complaint constitute all process, pleadings and orders filed in the Action and are attached hereto as Exhibit 1.

3. Defendant Turner was served with the Summons and Complaint on or about October 25, 2010. This Notice of Removal is being filed within thirty (30) days after Defendant Turner was served with a copy of the Summons and Complaint and is timely filed under 28 U.S.C. § 1446(b).

4. The Action involves a controversy wholly between citizens of different states and Plaintiff is seeking to recover amounts which are in excess of \$75,000 exclusive of interest and costs.

5. Plaintiff is a citizen of Essex County, Massachusetts. (See Complaint at ¶ 1).

6. Defendant, Bridget M. Parker is a citizen of Woodford County, Kentucky. (Id. at ¶ 2).

7. Parker View Farms, Inc. is incorporated in the state of Kentucky, maintains its principal place of business in Versailles, Kentucky and is, therefore, a citizen of Kentucky. (Id. at ¶ 4).

8. Defendant, Robert M. Turner is a citizen of Rockingham County, New Hampshire. (Id. at ¶ 6).

9. LM Turner Stable, was a registered trade name in New Hampshire, maintains its principal place of business in Brentwood, New Hampshire and is, therefore, a citizen of New Hampshire. (Id. at ¶ 8).

10. Plaintiff's Complaint asserts that Defendants wrongfully charged Plaintiff for the services they provided among other things. Plaintiff claims that he was charged a total amount of \$109,568.01. ( *Id.* at ¶36). Plaintiff also asserts that Defendants have caused Plaintiff to lose approximately \$80,000 in prize money. ( *Id.* at ¶73). Based on these allegations, Defendants have been put on notice that Plaintiff believes that the amount in controversy in this matter exceeds the jurisdictional minimum amount of \$75,000, exclusive of interest and costs.

11. As set forth herein, this Court has original subject matter jurisdiction over the Action because all requirements under 28 U.S.C. § 1332 have been met, as there is diversity of citizenship between the parties and the amount in controversy exceeds \$75,000, exclusive of costs and fees.

12. Promptly after filing the present Notice of Removal with this Court, Defendants will file a copy of this Notice with the Clerk of Essex Superior Court, Massachusetts.

WHEREFORE, Defendants, by this Notice, hereby remove this action to the United States District Court for the District of Massachusetts, Eastern Division, pursuant to 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted,

/s/Michael J. Mott

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Notice of Removal was served electronically with the Clerk of the Court by using the CM/ECF system on this the 4<sup>th</sup> day of November, 2010 upon all parties of record.

This will also certify that a true and accurate of the foregoing Notice of Removal was served via U.S. Mail, Postage Prepaid on this 4<sup>th</sup> day of November, 2010 upon:

Andrew S. Breines, Esq.  
147 Main Street  
Groveland, Massachusetts 01834  
617-283-9241

/s/Michael J. Mott  
*Counsel for Defendants*